

## **DRAFT Proposed NDCAP Advisory Opinion**

Presented by the Federal Nuclear Waste Policy Committee for Discussion at 6 December 2021  
NDCAP Panel Meeting

Presented 22 November 2021

**NDCAP Supports Immediate Implementation of Informed Consent-Based Siting for Any Proposed Deep Geologic and/or Consolidated Interim Storage Nuclear Waste Facilities and Fair Application of Standard Environmental Laws to Such Facilities**

Whereas, the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) exempted nuclear storage facilities from existing environmental laws contributing to public distrust and nuclear energy enjoying an unfair advantage compared to other energy-generating industries and

Whereas, according to the Department of Energy and the 2012 Blue Ribbon Commission on America's Nuclear Future, enabling consent-based storage is the key to developing real, practical solutions for the long-term storage of nuclear waste, and

Whereas, 'informed' consent means providing communities with the means to access independent experts and information within a fully transparent process in order to cultivate trust and the ability to make a full and fair decision and

Whereas, the federal government has not honored its commitment to remove spent nuclear fuel from US commercial reactors resulting in an DOE Inspector General estimated tax burden of \$2 million per day or \$730 million annually spent from US taxpayer financed Judgment Fund to compensate nuclear operators for the ongoing costs of safe-guarding such material at decommissioned reactors like Vermont Yankee and

Whereas a 2013 court order suspended collection of a tax on ratepayers using nuclear power despite the continued generation of nuclear power and its waste products, undermining the existing (approximately) \$50 billion Nuclear Waste Fund's ability to finance a national nuclear waste management system the DOE estimates will cost in excess of \$100 billion and

Whereas, 35 years of sustained political and scientific opposition to Yucca Mountain, designated by law without local consent in 1987 to be the nation's single deep geologic repository, negates the viability of Yucca and requires that siting one or more other deep geologic sites must begin now and

Whereas the town of Vernon, site of the Vermont Yankee Independent Spent Fuel Storage Installation (ISFSI), passed a resolution calling for consent-based siting of any disposal facility for spent nuclear fuel and

Therefore, the NDCAP supports

- immediate action on siting a deep geologic repository or repositories as well as any above ground consolidated 'interim' storage facilities that may be required as a permanent facility is being developed in order to stem the egregious loss of tax dollars as a result of the Federal Government failing to meet its contractual obligations to remove spent nuclear fuel from commercial reactor sites like Vermont Yankee and which will also trigger resumption of collection of the court-suspended Nuclear Waste Fund tax that must help finance a national nuclear waste management system;
- requiring approvals from the appropriate US federal government including DOE [Department of Energy], the NRC [Nuclear Regulatory Commission] and the EPA, Environmental Protection Agency and 'informed consent' from the state, territory, town, or country chosen to be the repository or repositories.
- amending the Atomic Energy Act of 1954 to restore imposition of normal environmental regulations for nuclear storage facilities in order to facilitate public trust in the consent-based siting process and level the playing field so the nuclear industry is held to the same standards as other electrical generation sources.

**END**